

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 16, 2007 (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the objection to the use of the acronym WLAN in the Specification, Applicant has amended the objected-to portion of the Specification in accordance with the Examiner's suggestions. With respect to the use of the term "Bluetooth", the term is capitalized, and in accordance with MPEP §608.01(v), the term "Bluetooth" is a clearly identifiable and definite description of a particular wireless technology. Therefore, the use of the term "Bluetooth" in the Specification complies with the requirements of the MPEP.

Regarding the objection to Claims 2, 12, 14 and 21, Applicant notes that explicit antecedent basis is not necessarily required in the claims. For example, a lack of antecedent basis does not render a claim indefinite when the scope of the claim would be reasonably ascertainable by those skilled in the art. MPEP §2173.05(e). However, in an effort to facilitate prosecution, Claims 2, 12, 14 and 21 have been amended to remove the article "the" prior to the term "location" to provide antecedent basis. In view of these changes, the objection to Claims 2, 12, 14 and 21 is believed to be overcome, and Applicant requests that the objection be removed.

With respect to the objection to Claim 10, the claim has been amended to depend from Claim 9 to provide antecedent basis for the objected-to claim language. Accordingly, the objection is believed to be overcome, and Applicant requests that the objection be removed.

Regarding the §101 rejection of Claims 13-19, Applicant respectfully traverses. Contrary to the Examiner's assertion, the claimed graphical user interface is not nonfunctional descriptive matter. Rather, the claimed graphical user interface is an item of manufacture that controls software functions and a display of an electronic device. As such an item of manufacture is considered statutory subject matter, the rejection is improper and Applicant requests that it be withdrawn.

Regarding the §101 rejection of Claims 20 and 21, independent Claim 20 has been amended to characterize that the computer program product is stored on a computer-readable medium such that it is structurally and functionally interrelated to the medium. Consistent with MPEP §2106.01, Applicant submits that Claim 20 and Claim 21, which depends therefrom, are directed to statutory subject matter. Applicant accordingly requests that the rejection be withdrawn.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended the independent claims to indicate that a type of selection of a given navigation block is detected and software functions are controlled on the basis of the detected type of selection. Support for these changes, as well as for new dependent Claims 23-28, may be found in the instant Specification, for example, at page 6, lines 17-23, and at page 8, line 30 through page 9, line 15; therefore, the changes do not introduce new matter. The pending claims are believed to be patentable over the asserted references for the reasons set forth below.

The relied-upon teachings of U.S. Publication No. 2004/0141010 by Fitzmaurice *et al.* (hereinafter "Fitzmaurice") do not teach or suggest each of the now-claimed limitations, such as controlling software functions based on a detected type of selection of a given navigational block. Rather, Fitzmaurice teaches zooming and/or panning based upon the movement of a pen along a surface of a display such that the type of selection is always movement of a pen along the surface of the display (*e.g.*, paragraphs [0032] and [0033]). As Fitzmaurice's type of selection is always the same, the resulting zoom/pan actions are not performed on the basis of the type of selection and instead are performed based merely on the region (asserted as corresponding to the claimed navigation block) activated.

With respect to dependent Claim 3, the further reliance on the teachings of U.S. Patent No. 6,037,937 to Beaton *et al.* (hereinafter "Beaton") does not overcome the above-discussed deficiencies in the teachings of Fitzmaurice. Beaton does not appear to at least teach controlling software functions based on a detected type of selection of a given

navigational block. As neither Fitzmaurice nor Beaton teaches or suggests these claim limitations, any combination of these teachings must also fail to teach such limitations. Thus, the §103(a) rejection of dependent Claim 3 should also not be maintained. Applicant accordingly requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

In addition to the above-discussed amendments, Claims 11 and 22 have been further amended for reasons related to the format of the claim language and such changes are not believed to affect the scope of the device claims.

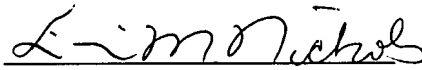
With respect to the provisional rejection of Claims 1-22 under the judicially-created doctrine of double patenting over co-pending and commonly-owned patent application no. 11/052,420, Applicant requests that the provisional rejection be withdrawn. In view of the amendments to the claims and arguments set forth above, the objections and substantive art rejections are believed to be overcome and should be withdrawn. Once withdrawn, the only rejection remaining in the instant application is the provisional obviousness-type double patenting rejection. Therefore, in accordance with MPEP § 804 I(B), Applicant respectfully requests that the provisional obviousness-type double patenting rejection be withdrawn and that the instant application be permitted to issue as a patent. In the alternative, Applicant requests that the provisional rejection be suspended until the claims of either the instant invention or the '420 application issue as a patent, at which time Applicant would consider filing a terminal disclaimer in one of the applications.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.103PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: 

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